

INITIATIVE 169

I, Ralph Munro, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 169 to the Legislature is a true and correct copy as it was received by this office.

1 AN ACT Relating to education; and adding a new chapter to Title 28A
2 RCW.

3 BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** PURPOSE. (1) The people of Washington,
5 desiring to improve the quality of education available to all children,
6 adopt this chapter to:

7 (a) Enable parents to determine which schools best meet their
8 children's needs;

9 (b) Empower parents to send their children to such schools;

10 (c) Establish academic accountability based on national standards;

11 (d) Reduce bureaucracy so that more educational dollars reach the
12 classroom;

13 (e) Provide greater opportunities for teachers; and

14 (f) Mobilize the private sector to help accommodate our burgeoning
15 school-age population.

16 (g) Encourage the development of secular private schools as an
17 alternative to State supported and regulated schools.

(2) Therefore, all parents are hereby empowered to choose any school, public or private, for the education of their children, as provided in this chapter.

NEW SECTION. **Sec. 2.** SHORT TITLE. Chapter . . ., Laws of 1996 (this act) shall be known as the parental choice in education act.

NEW SECTION. **Sec. 3.** DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Charges" include tuition, fees for books and supplies, and other educational costs.

(2) "Child" means an individual eligible to attend kindergarten or grades one through twelve in the public school system.

(3) "Parent" means any person having legal or effective custody of a child.

(4) "Qualified electors" are all persons of the age of eighteen years or over who are citizens of the United States and who have lived in the state, county, and precinct thirty days immediately preceding the election at which they offer to vote, except those Constitutionally disqualified. The alternative requirement in section 5(4) of this act of approval by a majority vote of qualified electors within the affected jurisdiction shall be imposed only to the extent permitted by this chapter and the Constitution of the United States of America.

(5) "Residency of children" may be established by the legislature using reasonable standards.

(6) "Savings resulting from the implementation of this section" in each fiscal year is the total amount disbursed for scholarships during that fiscal year subtracted from the product of (a) the average enrollment in scholarship-redeeming schools during that fiscal year multiplied by (b) the average amount of state and local government spending per public school student for education in kindergarten and grades one through twelve, calculated on a state-wide basis, during that fiscal year.

(7) "Scholarship-redeeming school" means any school, public or private, located within Washington, that meets the requirements of this chapter. No school may be compelled to become a scholarship-redeeming school. No school that meets the requirements of this chapter may be prevented from becoming a scholarship-redeeming school.

(8) "State and local government spending" includes, but is not limited to, spending funded from all revenue sources, including the general fund, federal funds, local property taxes, lottery funds, and local miscellaneous income such as developer fees, but excluding bond proceeds and charitable donations. Notwithstanding the inclusion of federal funds in the calculation of state and local government spending, federal funds shall constitute no part of any scholarship provided under this section.

(9) "Student" means a child attending school.

NEW SECTION. **Sec. 4.** GRANTING OF SCHOLARSHIPS--EMPOWERMENT OF PARENTS. (1) The state shall annually provide a scholarship to every eligible resident school-age child. Scholarships may be redeemed by the child's parent at any scholarship-redeeming school.

(2) The scholarship value for each full-time student shall be at least fifty percent of the state and local government spending during the preceding fiscal year as allocated under RCW 28A.150.260 and applicable state and local rules, excluding expenditures on scholarships granted pursuant to this section and any unfunded pension liability associated with the public school system.

(3) Scholarship value shall be equal for every child in any given grade. The legislature may award supplemental funds for reasonable transportation needs for low-income children and special needs attributable to disability. Nothing in the section prevents the use in any school of supplemental assistance from any source, public or private.

(4) If the scholarship amount exceeds the charges imposed by a scholarship-redeeming school for any year in which the student is in attendance, the surplus shall become a credit held in trust by the state for the student for later application on or before the student's twenty-fourth birthday toward charges at any scholarship-redeeming school or any institution of higher education in Washington, public or private, that meets the requirements imposed on scholarship-redeeming schools in section 5 (1) and (3) of this act. Any surplus remaining on the student's twenty-fourth birthday shall revert to the state treasury.

(5) Scholarships provided under this chapter are grants of aid to children through their parents and not to the schools in which the children are enrolled. Such scholarships shall not constitute taxable

1 income. The parent shall be free to choose any scholarship-redeeming
2 school, and such selection shall not constitute a decision or act of
3 the state or any of its subdivisions. No other provision of state law
4 may prevent the implementation of this section.

5 (6) Beginning with the school year immediately following the
6 effective date of this act, scholarships shall be made available to
7 every otherwise eligible child born on or after September 1, 1989.

8 (7) Each scholarship-redeeming school must choose and administer
9 tests reflecting national standards for the purpose of measuring
10 individual academic achievement. Such tests shall be designed and
11 scored by independent parties. Each school's composite results for
12 each grade level shall be released annually to the public the last week
13 of March by legal publication in a county newspaper of record.
14 Individual results shall be released only to the school and the child's
15 parent.

16 (8) Each scholarship-redeeming school must make public by legal
17 publication in a county newspaper of record the last week of March, its
18 budget and the results of an annual independent audit prepared in
19 accordance with generally accepted auditing standards. The audit shall
20 include, but not be limited to: A statement of school mission,
21 enrollment statistics, expenditures per pupil, budget report in an
22 easily understandable form, student attendance, dropout rate,
23 condition, and needs of the school building.

24 (9) Each teacher in a scholarship-redeeming school must hold a
25 college degree in the subject area taught or in education, or pass a
26 subject area competency exam reflecting national standards. Such exam
27 shall be designed and scored by independent parties. This section will
28 not prevent the use of classroom teaching assistants.

29 (10) Governing boards of school districts shall establish a
30 mechanism consistent with federal law to allocate enrollment capacity
31 based primarily on parental choice. Any public school that chooses not
32 to redeem scholarships shall, after district enrollment assignments
33 based primarily on parental choice are complete, open its remaining
34 enrollment capacity to children regardless of residence. For fiscal
35 purposes, children shall be deemed residents of the school district in
36 which they are enrolled.

37 (11) No child may receive any scholarship under this section or any
38 credit under subsection (4) of this section for any fiscal year in
39 which the child enrolls in a nonscholarship-redeeming school.

1 NEW SECTION. **Sec. 5.** EMPOWERMENT OF SCHOOLS--REDEMPTION OF
2 SCHOLARSHIPS. A private school may become a scholarship-redeeming
3 school by filing with the office of the superintendent of public
4 instruction a statement indicating satisfaction of the legal
5 requirements that applied to private schools on January 1, 1996, and
6 the requirements of this section.

7 (1) No school that discriminates on the basis of race, ethnicity,
8 color, or national origin may redeem scholarships.

9 (2) To the extent permitted by the laws of the state of Washington
10 and the laws of the United States, the state shall prevent from
11 redeeming scholarships any school that advocates unlawful behavior,
12 teaches bigotry toward any person or group on the basis of race,
13 ethnicity, color, national origin, religion, or gender, or deliberately
14 provides false or misleading information respecting the school.

15 (3) No school with fewer than twenty-five students may redeem
16 scholarships, unless the legislature provides otherwise.

17 (4) Private schools, regardless of size, shall be accorded maximum
18 flexibility to educate their students and shall be free from
19 unnecessary, burdensome, or onerous regulation. No regulation of
20 private schools, scholarship-redeeming or not, beyond that required by
21 this section and that which applied to private schools on January 1,
22 1996, may be adopted or enacted, unless approved by a three-fourths
23 vote of the legislature. Any regulation pertaining to health, safety,
24 or land use imposed by any county, city, district, or other subdivision
25 of the state, requires a two-thirds vote of the governmental body
26 issuing or enacting the regulation and a majority vote of qualified
27 electors within the affected jurisdiction. In any legal proceeding
28 challenging such a regulation as inconsistent with this section, the
29 governmental body issuing or enacting it shall have the burden of
30 establishing that the regulation: (a) Is essential to assure the
31 health, safety, or education of students, or as to any land use
32 regulation, that the governmental body has a compelling interest in
33 issuing or enacting it; (b) does not unduly burden or impede private
34 schools or the parents of students in private schools; and (c) will not
35 harass, injure, or suppress private schools.

36 (5) Notwithstanding subsection (4) of this section, the legislature
37 may (a) enact civil and criminal penalties for schools and persons who
38 engage in fraudulent conduct in connection with the solicitation of
39 students or the redemption of scholarships, and (b) restrict or

1 prohibit individuals convicted of (i) any felony, (ii) any offense
2 involving lewd or lascivious conduct, or (iii) any offense involving
3 molestation or other abuse of a child, from owning, contracting with,
4 or being employed by any school, whether public or private.

5 (6) Any school, public or private, may establish a code of conduct
6 and discipline and enforce it with sanctions, including dismissal. A
7 student who is deriving no substantial academic benefit or is
8 responsible for serious or habitual misconduct related to the school
9 may be dismissed.

10 (7) After the parent designates the enrolling school, the state
11 shall disburse the student's scholarship funds, except funds held in
12 trust pursuant to section 4(4) of this act, in equal monthly amounts,
13 directly to the school for credit to the parent's account. Monthly
14 disbursements shall occur within thirty days of receipt of the school's
15 statement of current enrollment.

16 (8) Expenditures for scholarships issued under this chapter and
17 savings resulting from the implementation of this chapter shall count
18 toward the minimum funding requirements for education established by
19 law. Students enrolled in scholarship-redeeming schools shall not be
20 counted toward enrollment in public schools and community colleges for
21 purposes of state funding of education.

22 NEW SECTION. **Sec. 6.** EMPOWERMENT OF TEACHERS--CONVERSION OF
23 SCHOOLS. Within one year after the effective date of this act, the
24 legislature shall establish an expeditious process by which public
25 schools may become independent scholarship-redeeming schools. Such
26 schools shall be common schools under this chapter.

27 (1) Except as otherwise required by law and the Constitution of the
28 United States, such schools shall operate under laws and rules no more
29 restrictive than those applicable to private schools.

30 (2) Employees of such schools shall be permitted to continue and
31 transfer their pension and health care programs on the same terms as
32 other similarly situated participants employed by their school district
33 as long as they remain in the employ of any such school.

34 NEW SECTION. **Sec. 7.** IMPLEMENTATION. By May 1997, the
35 legislature shall implement this chapter through legislation bringing
36 this title into compliance with the purposes and provisions of this
37 chapter. For the purposes of judicial interpretation, all state and

1 local laws and rules in existence on the effective date of this section
2 that are inconsistent with this act, are hereby implicitly repealed or
3 modified to the extent necessary to resolve the inconsistency.

4 NEW SECTION. **Sec. 8.** HOME-BASED EDUCATION. Nothing in this
5 chapter affects the laws and rules in existence on the effective date
6 of this section pertaining to home-based instruction, including chapter
7 28A.200 RCW.

8 NEW SECTION. **Sec. 9.** LIMITATION OF ACTIONS. Any action or
9 proceeding contesting the validity of (1) this act, (2) any provision
10 of this act, or (3) the adoption of this act, shall be commenced within
11 six months from the date of the election at which this act is approved;
12 otherwise this act and all of its provisions shall be held valid,
13 legal, and uncontestable. However, this limitation shall not of itself
14 preclude an action or proceeding to challenge the application of this
15 act or any of its provisions to a particular person or circumstance.

16 NEW SECTION. **Sec. 10.** CAPTIONS NOT LAW. Captions as used in this
17 act do not constitute any part of the law.

18 NEW SECTION. **Sec. 11.** Sections 1 through 10 of this act shall
19 constitute a new chapter in Title 28A RCW.

20 NEW SECTION. **Sec. 12.** SEVERABILITY. If any provision of this act
21 or its application to any person or circumstance is held invalid, the
22 remainder of the act or the application of the provision to other
23 persons or circumstances is not affected.

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